

SENATE BILL 1277
By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 39; Title 40; Title 55; Title 68 and Title 71, relative to uncompensated trauma care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by adding the following as a new section:

68-11-259.

(a) There is established a general fund reserve to be allocated by the general appropriations act which shall be known as the "uncompensated trauma care fund." Monies from the fund may be expended to fund activities authorized by this section. Any revenues deposited in this reserve shall remain in the reserve until expended for purposes consistent with this section, and shall not revert to the general fund on any June 30. Any excess revenues on interest earned by such revenues shall not revert on any June 30, but shall remain available for appropriation in subsequent fiscal years. Any appropriation from such reserve shall not revert to the general fund on any June 30, but shall remain available for expenditure in subsequent fiscal years.

(b) The commissioner of finance and administration shall administer the uncompensated trauma care fund. The commissioner shall by rule establish a procedure for allocating annual disbursements from the fund to hospitals with level one trauma centers. The procedure shall establish eligibility requirements for such hospitals with level one trauma centers and shall allocate funds among eligible centers in a

manner that balances volume of uncompensated care with the acuity of the uncompensated care provided by the hospital.

(c) The fund shall receive monies in accordance with Sections 2 and 3 of this act.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 24, Part 1, is amended by adding the following as a new section:

40-24-109.

(a)

(1) When any person is convicted by a general sessions court, a circuit court, or a comparable court of record with jurisdiction over criminal matters of a crime involving any moving violations of §§ 39-13-106, 39-13-213, and 39-13-404, 39-16-603(b), 55-8-109, 55-8-149, 55-8-152(f)(2), 55-10-205, 55-10-401, 55-10-502, there is levied an impact fee of one hundred dollars (\$100) in addition to any other costs or fees imposed in such action.

(2) Whether a person convicted of a crime is exempted from payment of the fee imposed by this subsection shall be determined by the maximum possible sentence imposed by law for such offense rather than the sentence such person actually receives.

(3) The fee imposed by this subsection shall be collected by the clerks of the various courts from each person convicted and all funds so collected, with the exception of one dollar (\$1.00) which shall be retained by the clerk to defray the expenses of collecting and processing such funds, shall be paid over to the department of revenue for deposit in the fund established by section 1 of this act.

(b) When an offender liable to pay the fee has been convicted and sentenced to a county correctional institution or program, or to an institution or program maintained by the department, the clerk of court shall certify to the appropriate official as provided in

this subsection (b) whether payment of such fee has been made. If the offender liable to pay the fee has been convicted and sentenced to an institution or program maintained by the department, the clerk of court shall certify to the commissioner of correction, in such form as the commissioner may direct, whether payment of such fee has been made. The commissioner shall then cause any amount owing to be collected from the prisoner during the offender's period of confinement by the department. If the offender liable to pay the fee has been convicted and sentenced to a correctional institution or program maintained by a county, the clerk of court shall certify to the county officer with supervisory authority over such institution or program whether payment of the fee has been made. Such county officer shall then cause any amount owing to be collected from the offender during the offender's period of confinement. The commissioner, or appropriate county official, shall submit such reasonable reports as may be requested by the board of claims with respect to the status of an offender's obligation under this section. The total sums collected under this subsection shall be deposited upon receipt to the uncompensated trauma care fund established by section 1 of this act.

SECTION 3. The commissioner of finance and administration is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2005, the public welfare requiring it.